

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TERRENCE LAMAR WHITESIDE,

Petitioner,

v.

No. 1:21-cv-01041-JDB-jay

ANGELA OWENS,

Respondent.

ORDER TRANSFERRING PETITION PURSUANT TO 28 U.S.C. § 1406(a)

Petitioner, Terrence Lamar Whiteside, a federal prisoner, has filed a *pro se* habeas corpus petition (the “Petition”), pursuant to 28 U.S.C. § 2241. (Docket Entry 1.) The Petition is before the Court for preliminary review. *See* 28 U.S.C. § 2243 (“A court . . . entertaining an application for a writ of habeas corpus shall forthwith award the writ . . . unless it appears from the application that the applicant or person detained is not entitled thereto.”); *Harper v. Thoms*, No. 02–5520, 2002 WL 31388736, at *1 (6th Cir. Oct. 22, 2002) (affirming dismissal of federal prisoner’s § 2241 petition on preliminary review). !

The proper venue for a § 2241 petition is the judicial district where the prisoner is confined or where his custodian is located. *Braden v. 30th Judicial Cir. Ct.*, 410 U.S. 484, 494-96 (1973); *Welch v. United States*, No. 14-cv-1296-JDT-egb, 2015 WL 73588, at *4 (W.D. Tenn. Jan. 6, 2015). Petitioner is incarcerated at the Federal Correctional Institute, Memphis, which is located in Shelby County, Tennessee. Shelby County is in the Western Division of this district. 28 U.S.C. § 123(c)(2).

Twenty-eight U.S.C. § 1406(a) states that “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). It is in the interest of justice to transfer the Petition to the Western Division, where venue is proper. It is hereby ORDERED, pursuant to § 1406(a), that this case is TRANSFERRED, forthwith, to the Western Division of this district. The Clerk is DIRECTED to reassign the case to a judge sitting in that Division.

IT IS SO ORDERED this 30th day of March 2021.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE